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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,403	11/17/2003	Masaya Ohiro	2038-307	2029
22429	7590	01/31/2005	EXAMINER	
LOWE HAUPTMAN GILMAN AND BERNER, LLP			VALENZA, JOSEPH E	
1700 DIAGONAL ROAD			ART UNIT	
SUITE 300 /310			PAPER NUMBER	
ALEXANDRIA, VA 22314			3651	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/714,403

Applicant(s)

OHIRO ET AL.

Examiner

Joseph Valenza

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6 and 8-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 8-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spatafora et al in view of Buhrer et al.

In Spatafora et al, 24 is a rotary base, the unillustrated shaft from motor 28 drives rotary base 24 via means 25 and 26, clamp halves 45 act as tables and heads 19 and clamp halves 44 alternately rotate the articles in opposite directions between pickup station 8 and delivery station 9. It would have been obvious that each cam and gear drive for the heads 19 of Spatafora et al could have been replaced by the teachings of a fixed shaft 49 and endless belts (chains) 47 of Buhrer et al. Note that Buhrer et al teaches that the belt 47 drive for heads 53 of figures 12 and 13 are functionally equivalent to the gear drive for heads 74 in figures 14 and 15.

2. Claims 2, 3 and 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spatafora et al in view of Buhrer et al and Osti et al.

It would have been obvious to replace jaws 44 and 45 of Spatafora et al in the structure of paragraph 1 with the teachings of suction heads 19, 20 of Osti et al. With regard to claims 14, 15, 21 and 22, the design of the supply (elongated opening or plural hoses from single, rotary distributor, etc.) of suction to the heads has not been shown to be critical to the operation of the system and the supply in Osti et al is considered to be functionally equivalent. With regard to claim 19, the design of the upstream and downstream coacting belt conveyors over the functionally equivalent upstream and downstream coacting belt conveyors 8 and 9 of Spatafora et al is a matter of design choice.

3. Claims 5, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spatafora et al in view of Buhner et al and Osti et al and Sumi et al.

It would have been obvious that the upstream conveyor 8 of Spatafora et al (claim 5) and the downstream conveyor 9 of Spatafora et al (claim 6) of the structure in paragraph 2 could be provided with suction as taught by column 4 lines 57-65 and upstream 11A and downstream conveyors 12A of figure 1B of Sumi et al.

4. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spatafora et al in view of Buhner et al and deMey.

It would have been obvious as taught by belts 52 or 54 of deMey that the belts in the structure of paragraph 1 could be trained around the fixed shaft and plural rotary heads. The number of heads that each belt drives is immaterial especially since the claims do not require more than two first heads or tables and two second heads or tables. With regard to claim 12, the use of different radius ratios for the pulleys on the fixed shaft and the pulleys on the heads or tables is immaterial to the operation of the system because the first and second heads or tables must rotate in the opposite directions (as per claim 1) as happens in Spatafora et al and rotate only 90 degrees (applicant's figures 1, 13 or 16) between the pickup station to the delivery station as happens in Spatafora et al.

5. Claims 1-3, 5, 6 and 8-22 are rejected under 35 U.S.C. 112, second paragraph for being incomplete.

All of the claims lack a means to rotate the rotary base. Claims 1-3, 5, 6, 8, 13-15 and 17-19 lack the second belt for driving the second tables.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication should be directed to Joseph E. Valenza at telephone number (703) 308-2577. Amendments may be faxed to (703) 872-9306. My normal work week is Monday through Thursday.

A handwritten signature in black ink, reading "Joseph Valenza". The signature is written in a cursive, flowing style.

JOSEPH E. VALENZA  
PRIMARY EXAMINER